

**Notice of Allowability**

Application No.

10/520,392

Examiner

Kiran B. Patel

Applicant(s)

CLARK ET AL.

Art Unit

3612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/06.
2. ☒ The allowed claim(s) is/are 1, 2 and 4-16, 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/21/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>4/6/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____.  |

**Examiner's Amendment and**  
**Examiner's Statement of Reasons for Allowance**  
*Allowance (4/21/06)*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18, drawn to a floor console, classified in Class 296, Subclass 24.34.
  - II. Claims 19-22, drawn to a vehicle interior system, classified in Class 296, Subclass 37.8.
2. The inventions, as best understood, are distinct each from the other because of the following reasons: Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination II as claimed does not require the particulars of a module of subcombination I. The subcombination has a utility in other combinations such as a carry out tray.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. This application, as best understood, contains claims directed to the following patentably distinct species of the claimed invention:

Species A - directed towards Fig. 1-5

Species B - directed towards Fig. 6-8

Species C - directed towards Fig. 9

Species D - directed towards Fig. 10

Species E - directed towards Fig. 11

Species F - directed towards Fig. 12.

5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there appears to be no claim, which is generic to all species.

6. During a telephone conversation with Mr. Anderson on 4/21/06 a provisional election was made without traverse to prosecute the invention of a floor console system, Fig 1-5, claims 1-2, 4-16, 18. Claims 3, 17, 19-22 were canceled. Applicant in replying to this Office action must make affirmation of this election.

The requirement is still deemed proper and is therefore made FINAL.

7. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as

provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Mr. Anderson

8. The claims and/or the application was amended to read as follows:

1. (Currently Amended) A floor console system for use in a vehicle having a seating row with a first seat and a second seat spaced apart within the vehicle and mounted to a floor of the vehicle, the floor console system comprising:

a base ~~coupled to the vehicle~~ disposed above the floor of the vehicle between a the first seat and a the second seat located in a row of seats in the vehicle;

a first panel rotatably coupled directly to the base; and

a second panel rotatably coupled directly to the base and wherein the first panel and the second panel are rotatable between a lowered position and a raised position to provide additional storage capabilities;

a first flexible member coupled to the first panel and to the second panel; and

a second flexible member coupled to the first panel and to the second panel, wherein a storage area is defined by the first panel, the second panel, the first flexible member, the second flexible member, and the base when the first panel and the second panel are rotated to the raised position;

a module configured to be removably retained when being at least partially disposed in the storage area;

wherein the floor console provides a low profile condition when the first panel and the second panel are in the lowered position and provides an additional storage area condition when the first panel and the second panel are rotated to the upright position.

2. (Currently Amended) The floor console system of claim 1 wherein the first and second panels are spring biased to the raised position or the lowered position.

3. (Cancelled)

4. (Currently Amended) The floor console system of claim 1 wherein the base comprises at least one of a tray, a removable tray, one or more cup holders, a power port, a parking brake, or combinations thereof.

5. (Currently Amended) The floor console system of claim 1 wherein the module comprises at least one of a tray, a removable tray, one or more cup holders, or combinations thereof.

6. (Currently Amended) The floor console system of claim 1 wherein a ~~textures~~ textured surface is provided on the cup holder, parking brake, first and second panels, or combinations thereof.

7. (Currently Amended) The floor console system of claim 1 wherein surfaces on the first and second panels provide a tray when in the lowered position.

8. (Currently Amended) The floor console system of claim 1 wherein each of the first and second flexible members comprise netting.

9. (Currently Amended) The floor console system of claim 8 wherein the netting is coupled to a rigid frame.

10. (Currently Amended) The floor console system of claim 1 wherein the first and second panels are configured for pivotal movement and provide side walls when in the upright position.

11. (Currently Amended) The floor console system of claim 1 wherein the module is configured to be supported by the first and second panels.

12. (Currently Amended) The floor console system of claim 1 wherein a secondary storage space is provided between walls of the module and the flexible ~~or the flexible~~ member.

13. (Currently Amended) The floor console system of claim 1 wherein the module comprises a sliding top portion movable to expose an internal storage space of the module.

14. (Currently Amended) The floor console system of ~~claim 1~~ claim 11 wherein the module provides functionality selected from the group comprising a cooler, a children's module, a baby's module, an infotainment module, a work module, or combinations thereof.

15. (Currently Amended) The floor console system of claim 1 wherein the first panel is disposed towards the front of the vehicle, the second panel is disposed towards the rear of the vehicle.

16. (Currently Amended) The floor console system of ~~claim 1~~ claim 2 further comprising a second module interchangeable with the first module to be configured to be removably retained by being at least partially disposed in the storage area.

17. (Cancelled)

18. (Currently Amended) The floor console system of claim 1 further comprising a plurality of storage components adaptable for reconfigurable use with the base or the module.

19-22.(Cancelled)

9. The following is an Examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case, is the inclusion of the limitation "a first flexible member coupled to the first panel and to the second panel; a second flexible member coupled to the first panel and to the second panel, wherein a storage area is defined by the first panel, the second panel, the first flexible member, the second flexible member, and the base when the first panel and the second panel are rotated to the raised position; a module configured to be removably retained when being at least partially disposed in the storage area; wherein the floor console provides a low profile condition when the first panel and the second panel are in the lowered position and provides an additional storage area condition when the first panel and the second panel are rotated to the upright position" in the independent claim, in combination with the

other recited limitations in claims supported by this application, which are not found in the prior art of record.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
April 21, 2006